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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/204,142	12/03/1998	YUKO ARAI	041-2048	5104
22429	7590	01/02/2004	EXAMINER	LONSBERRY, HUNTER B
LOWE HAUPTMAN GILMAN AND BERNER, LLP 1700 DIAGONAL ROAD SUITE 300/310 ALEXANDRIA, VA 22314			ART UNIT	PAPER NUMBER
2611				
DATE MAILED: 01/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/204,142	ARAI ET AL.
	Examiner	Art Unit
	Hunter B. Lonsberry	2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 22 September 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 87-114 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 87-114 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 22 September 2003 is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 87-114 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,311,329 to Terakado in view of U.S. Patent 6,477,705 to Yuen and U.S. Patent 5,801,753 to Eyer.

Regarding claims 87 and 103, Terakado discloses in Figures 4 and 11, several sets of related EPG data A1-A3, each of which have differing layers of detail and differing program descriptions, and may be sent via different streams or even different media, the data includes channel data (column 6, lines 39-column 7, line 46, column 9, line 42-column 10, line 13), the program guide is displayed n a TV from data received in receiver 5 (column 5, lines 47-57). Terakado does not disclose different amount of detail for the same program. Yuen discloses an EPG in Figures 18 and 20-24 that displays program guide data with different levels of detail related to the same program (column 10, lines 38-51, column 11, lines 2-22, column 12, lines 14-48). Eyer discloses different transport streams for carrying program guide information, a trickle stream and a demand stream (column 4, lines 36-54). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Terakado to include a second set of

more detailed information related to a program as taught by Yuen, and multiple transport streams as taught by Eyer thus enabling a user to make better viewing choices, and reducing the bandwidth required to transmit program information.

Regarding claim 88, 93, 98, Terakado discloses in Figure 4, that the A2 set is more detailed than the A1 data set. Yuen discloses in Figures 20-22, that detail 44 is more detailed than detail 48.

Regarding claims 89, 94, and 99, Terakado discloses in Figures 4 and 11, several sets of related EPG data A1-A3, each of which have differing layers of detail and differing program descriptions, and may be sent different streams or even different media, the data includes channel data and may be modified (column 6, lines 25-column 7, line 46, column 9, line 42-column 10, line 13). Terakado/Yuen does not disclose updating EPG information over time or for updating the start and end time of a program. The examiner takes official notice that the transmission of EPG updates is well known in the art. Eyer discloses different transport streams for carrying program guide information, a trickle stream and a demand stream (column 4, lines 36-54). Terakado/Yuen/Eyer inherently transmit more detail over time during the EPG information updates as Yuen discloses that EPG data may be transmitted via the VBI and Terakado discloses that it may be transmitted via a stream, since it takes time to transmit the program guide data and it can not be instantly transmitted in its entirety, Terakado/Yuen/Eyer must transmit more program guide information over time. Therefore, it would have been obvious to one skilled in the art at the time of invention to

modify Terakado/Yuen/Eyer to transmit an EPG update to that a subscriber would be able to readily find programs they wished to watch.

Regarding claim 90, 95, and 100, Terakado discloses that the detailed program data may be modified by a user (column 6, lines 26-37).

Regarding claims 91, 96, 101 and 102, Terakado discloses that the amount of detail transmitted for each set of data is changeable (column 6, lines 25-47).

Regarding claim 92 and 107, Eyer discloses an IPG system in which MPEG2 video programs are transmitted, video programs and IPG data are transmitted with PIDs (column 12, lines 15-61).

Regarding claims 97 and 111, Eyer discloses an IPG system in which MPEG2 video programs are transmitted, video programs and IPG data are transmitted with PIDs, the data is carried within the MPEG header (column 12, lines 15-61).

Regarding claims 104, 108 and 112, Yuen discloses an EPG in Figures 18 and 20-24 that displays program guide data with different levels of detail related to the same program (column 10, lines 38-51, column 11, lines 2-22, column 12, lines 14-48).

Regarding claims 105, 106, 109, 110, 113 and 114, Terakado discloses in Figures 4 and 11, several sets of related EPG data A1-A3, each of which have differing layers of detail and differing program descriptions, and may be sent via different streams or even different media, the data includes channel data (column 6, lines 39-column 7, line 46, column 9, line 42-column 10, line 13), the program guide is displayed on a TV from data received in receiver 5 (column 5, lines 47-57). Terakado does not disclose different amount of detail for the same program. Yuen discloses an EPG in

Figures 18 and 20-24 that displays program guide data with different levels of detail related to the same program (column 10, lines 38-51, column 11, lines 2-22, column 12, lines 14-48). Eyer discloses different transport streams for carrying program guide information, a trickle stream and a demand stream (column 4, lines 36-54). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Terakado to include a second set of more detailed information related to a program as taught by Yuen, and multiple transport streams as taught by Eyer thus enabling a user to make better viewing choices, and reducing the bandwidth required to transmit program information.

Regarding claim 51, Terakado discloses that the detailed program data may be modified by a user (column 6, lines 26-37).

Regarding claim 54, Terakado discloses that the EPG information may be edited (column 6, lines 25-column 7, line 46).

Regarding claim 59, 62, and 82, Terakado discloses in Figures 4 and 11, several sets of related EPG data A1-A3, each of which have differing layers of detail and differing program descriptions, and may be sent different streams or even different media such as a telephone (Figure 11), the data includes channel data (column 6, lines 39-column 7, line 46, column 9, line 42-column 10, line 13), the program guide is displayed n a TV from data received in receiver 5 (column 5, lines 47-57). Terakado does not disclose different amount of detail for the same program. Yuen discloses an EPG in Figures 18 and 20-24 that displays program guide data with different levels of

detail related to the same program (column 10, lines 38-51, column 11, lines 2-22, column 12, lines 14-48). Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Terakado to include a second set of more detailed information related to a program, thus enabling a user to make better viewing choices.

Regarding claims 60, 63, 66, and 69 Terakado discloses that the EPG information may be edited (column 6, lines 25-column 7, line 46). Terakado does not disclose changing the amount of detail in the EPG data based upon settings that control detail levels. The examiner takes official notice that the use of truncation settings to limit details is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Terakado to include detail truncation settings so that a user would not be overwhelmed with descriptive information.

Regarding claims 61, 64, 67, and 70, Terakado discloses that the EPG information may be edited (column 6, lines 25-column 7, line 46). Terakado does not disclose changing the association of channels and their broadcast streams and then transmitting that data to the subscribers. The examiner takes official notice that updating channel assignments in EPG data is well known in the art. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Terakado to update channel associations and their EPG data so that subscribers would have accurate program information when channel lineups change.

Regarding claim 65, Yuen discloses an EPG in Figures 18 and 20-24 that displays program guide data with different levels of detail related to the same program (column 10, lines 38-51, column 11, lines 2-22, column 12, lines 14-48).

Regarding claim 84, Terakado discloses in Figure 11, that the A1 data is transmitted in the VBI for a program and the EPG information is TV EPG information (column 5, lines 47-57).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-308-5359.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

  
ANDREW FAILE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

HBL